REMARKS

Applicant thanks the Examiner for the interview conducted on September 18, 2008 (the "Interview"). The following remarks are intended to fully respond to the matters raised during the Interview as well as to fully respond to the Non-Final Office Action mailed July 24, 2008. In that Office Action, claims 1-4 and 6-32 were rejected. Specifically, Claims 18 and 26-28 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter; Claims 1-4, 6-8, 10-14, 16-22, 24-27, 20 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney (US Patent 6,487,584) in view of Shah, et al. (US Patent 6,606,647); Claims 9, 15, 23, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney and Shah in view of Aravamudan, et al. (U.S. Patent 6,301,609 and further view of Munday, et al. (U.S. Patent 6,480,593); and Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney and Shah in view of Munday, et al. (U.S. Patent 6,480,593). The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter pursuant to 37 CFR 1.75(d)(1) and MPEP § 608.01(o), specifically as to Claims 27 and 28.

Reconsideration of these rejections, as they might apply to the amended claims in view of these remarks, is respectfully requested.

In this Amendment, claims 1, 10, 18-19, and 26-29 are amended, no new claims are added and no claims are cancelled. Therefore, claims 1-4 and 6-32 remain present for examination.

I.   Interview Summary

Applicants thank Examiner Gold for the courtesy of an interview on Thursday, September 18, 2008, requested by the undersigned and conducted with Mr. David St. John-Larkin and Mr. Jerry Gnuschke to discuss the rejection of the current claims under 35 U.S.C. § 101 and U.S.C. § 103(a). During the interview, Mr. St. John-Larkin, Mr. Gnuschke, and Examiner Gold discussed some proposed claim amendments. The current claim amendments are similar to the claim amendments discussed with Examiner Gold.

In particular, Mr. St. John-Larkin discussed the differences between the claims and the Bunney, Shah and Aravamudan references. Examiner Gold described his interpretation of the Bunney, Shah and Aravamudan references. No agreement was reached.

II. Objections and Rejections to the Claims

Claim Rejection – 35 U.S.C. § 101

Claims 18 and 26-28 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. In light of this objection, claims 18 and 26 have been amended to recite <u>a computer storage medium having computer executable instructions</u>, and claims 27 and 28 have been amended to recite <u>a computer program product stored on a computer storage medium</u>. Applicant respectfully requests that examiner withdraw his objections.

Claim Rejection – 35 U.S.C. § 103

Claims 1-4, 6-8, 10-14, 16-22, 24-27, 20 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney (US Patent 6,487,584) in view of Shah, et al. (US Patent 6,606,647); Claims 9, 15, 23, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney and Shah in view of Aravamudan, et al. (U.S. Patent 6, 301,609 and further view of Munday, et al. (U.S. Patent 6,480,593); and Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bunney and Shah in view of Munday, et al. (U.S. Patent 6,480,593). Applicants respectfully traverse the § 103(a) rejections because either the Examiner failed to state a *prima facie* case of obviousness or the current amendments to the claims now render the Examiner's arguments moot. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the references must teach or suggest all of the claimed limitations to one of ordinary skill in the art at the time the invention was made. M.P.E.P §§ 2142, 2143.03; *In re Royka*, 490 F.2d 981, 985 (C.C.P.A. 1974); *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). Further, under *KSR Int'l Co. v. Teleflex, Inc.*, there "must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." 127 S. Ct. 1727,

1741 (2007). Bunney does not teach or suggest all of the limitations of the recited claims and Shah fails to compensate for this deficiency.

As highlighted by the previous Office Action Response, Applicant's technology determines a master status by evaluating the user's status on each of two or more clients and also by evaluating the user's status updates. (*See* Amendment in Response to Non-Final Office Action, mailed Mar. 17, 2008, p. 15). The master status can be determined by specified priority rules. (*Id.*). For example, if the status of one client changes to offline, applicant's technology will not update the master status to offline unless the user is offline on all other clients. (*Id.*). This lets a user who is busy on one client but offline on another still be accurately reflected as busy (*Id.*). Once the master status has been determined, applicant's technology can then provide the master status to the user and to other users. (*Id.*)

Bunney has previously been construed at length by Applicant beginning on page 16 of the Response to Non-Final Office Action, mailed March 17, 2008. (*See* Amendment in Response to Non-Final Office Action, mailed March 17, 2008, p. 16-17). The Bunney reference relates to a "multiple personality" internet account system and discloses the solution to a problem that occurs when a user in logged-in with one of several addresses (e.g. logged into one of a plurality of email accounts) and the user is not logged in using the other addresses. (*Id.*). Specifically, Bunney teaches that a server intelligently (e.g.; using a lookup-table) notifies the user at the account where the user is logged-in when, for example, the user receives an email at an account where the user is not logged-in. (*Id.*). Bunny also teaches that a logged-in user may have one of four statuses: available, invisible, away, or busy. (*Id.*). More specifically, the "invisible" status does not permit other users to know anything about the user's online or offline status. (*Id.*). Finally, Bunney discloses that a user may place a "do not disturb" sign (e.g. a flash) on any of the user's addresses. The server will notify the user at any of the addresses that include the "do not disturb" sign.

The Shah reference relates to a server and method for routing messages to permit unified communications where a user has more than one personal messaging device and

desires to receive notifications via a preferred routing topology. (Shah, Abstract). Specifically, Shah teaches that a user may have multiple computers (e.g. subscribers) logged-on to a web server, where each of the multiple computers may simultaneously run a routing client. (Shah, Col. 5, ll. 33-39). The server maintains a list of users that are currently logged-on to the server and the server can provide a log-on status of each user in the sender's groups. (Shah, Col. 12, ll. 13-24). The server also designates a newly logged-on client as a "primary client" and forces other clients (e.g., associated with a user) to become "passive" clients. (Shah, Col. 14, ll. 13-41). Once a client is instructed to become passive, then the new client transfers its routing preferences, which routes messages according to these preferences. (Shah, Col. 14, 51-54).

As stated by Examiner in the most recent non-final Office Action "Bunney fails to teach the limitation further including the user being logged on via both the first client computer system and the second client computer system as an electronic messaging user, **a master status, and reflecting an indication of the master status to other users.**" (emphasis added). (Office Action, mailed Dec. 13, 2007, p.5). Since Bunney, fails to teach this limitation, it follows that Bunney also fails to teach the newly amended limitation of claim 1 which includes in response to receiving the first status update, the server evaluating at least the first status update, the first view status, and the second view status according to specified status rules to determine the master status of the electronic messaging user identified by the user identification who is logged on via both the first client computer system and the second client computer system as an electronic messaging user, wherein the master status does not necessarily reflect the first status update.

Shah also fails to teach at least in response to receiving the first status update, the server evaluating at least the first status update, the first view status, and the second view status according to specified status rules to determine the master status of the electronic messaging user identified by the user identification who is logged on via both the first client computer system and the second client computer system as an electronic messaging user, wherein the master status does not necessarily reflect the first status update as amended in claim 1. As stated above, Shah designates the newly logged-on client as the primary client and the previously logged on clients as passive clients. This system then

establishes the routing preferences based on the preferences of the "newly logged-on" client. Shah teaches away from the claimed embodiments of the present invention in that it does not evaluate the status of multiple devices to determine one master status for all active devices. Instead, the controlling status in Shah is always the status of the "newly logged-on" client. Alternatively, the present invention utilizes a system in which multiple devices are evaluated to determine the master status and the master status does not necessarily correspond to the status of the last client to experience a status change. For at least these reasons Shah fails to teach at least <u>in response to receiving the first status update, the server evaluating at least the first status update, the first view status, and the second view status according to specified status rules to determine the master status of the electronic messaging user identified by the user identification who is logged on via both the first client computer system and the second client computer system as an electronic messaging user, wherein the master status does not necessarily reflect the first status update.</u> Since neither Bunney nor Shah teach the above limitation of claim 1, Applicants respectfully request that Examiner issue an allowance for claim 1, and its dependent claims 2-9, at Examiner's earliest convenience.

Similarly, claim 10 states <u>updating in the master view at the server the consolidated presence information for the electronic messaging user identified by the user identification based on an evaluation of the status update and each view status, wherein the updated master view at the server does not necessarily reflect the status update received from the one of the one or more clients.</u> For at least the same reasons as claim 1, Applicants respectfully request that Examiner issue an allowance for claim 10, and its dependent claims 11-18, at Examiner's earliest convenience.

Similarly, claim 19 states <u>setting at the server the master status based on an evaluation of each client view status, wherein the master status does not necessarily reflect the most recent status change received at the server.</u> For at least the same reasons as claim 1, Applicants respectfully request that Examiner issue an allowance for claim 19, and its dependent claims 20-26, at Examiner's earliest convenience.

Similarly, claim 27 states <u>update at the server the consolidated presence information for the user according to the status update, wherein the consolidated presence information for the user does not necessarily reflect the most recent status update</u>. For at least the same reasons as claim 1, Applicants respectfully request that Examiner issue an allowance for claim 27, and its dependent claim 28, at Examiner's earliest convenience.

Similarly, claim 29 states <u>generating the master presence status representing a current presence status of the user based on the received client presence statuses reported by the multiple clients, wherein the master presence status does not necessarily reflect the most recently received client presence status of the user as reported by the client</u>. For at least the same reasons as claim 1, Applicants respectfully request that Examiner issue an allowance for claim 29, and its dependent claims 30-32, at Examiner's earliest convenience.

Claim Rejections under 35 U.S.C. §103(a)

Claims 9, 15, 23, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bunney in view of Shah in view of Aravamudan, et al. Claims 9, 15, 23, and 28 all depend on newly amended independent claims 1, 10, 19, and 27. As argued above, these newly amended independent claims overcome the limitations set forth in Bunney and Shah. By nature of their dependency, claims 9, 15, 23, and 28 are now allowable and Applicant requests that Examiner issue an allowance at his earliest convenience.

Claim Rejections under 35 U.S.C. §103(a)

Claims 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bunney in view of Shah in view of Munday, et al. Claims 30 depends on newly amended independent claim 29 which overcomes the limitations set forth in Bunney and Shah. By nature of its dependency, claim 30 is now allowable and Applicant requests that Examiner issue an allowance at his earliest convenience

Specification Objection – 37 CFR 1.75(d)(1) and MPEP § 608.01(o)

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter pursuant to 37 CFR 1.75(d)(1) and MPEP § 608.01(o), specifically as to Claims 27 and 28. In light of this objection, claims 27 and 28 have been amended to recite <u>a computer program product stored on a computer storage medium</u>. Applicant respectfully requests that examiner withdraw his objection.
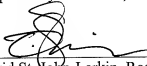
Conclusion

This Amendment fully responds to the Office Action mailed on July 24, 2008. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they were rendered moot in light of the preceding arguments in favor of patentability. Hence, the failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may contain other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is respectfully requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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